

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
JANUARY 9, 2006**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, January 9, 2006 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Zack Matheny, Evelyn Miller, Bill Schneider, Susan Spangler and Kevin Wright. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

APPROVAL OF THE MINUTES OF THE DECEMBER 12, 2005 REGULAR MEETING.

Mr. Gilmer moved approval of the December 12, 2005 minutes as written, seconded by Mr. Matheny. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

STATUTE CHANGES

Mr. Hails said the General Assembly last year passed some of the largest modifications and updating of planning-related laws in the State's history. There was a hodgepodge of things, some being minor and clarification in nature, but others were more substantial. The one which staff feels affects this Commission the most is a specific provision that says that all rezoning cases that have an action taken by a governing body or planning commission must adopt with their motion a statement, stating how they believe that their decision is linked, is consistent with or inconsistent with the adopted Comp Plan and/or with other related factors. If you think there is something compelling stated at the public hearing or outside of our Comp Plan, that is also grounds. The major legal requirement is the statement be passed by you along with your motion for approval or denial. Part of that motion should include a statement. The State Law says effective January 1st all actions on rezoning matters must be accompanied by such a statement. The standard format that staff put together on these statements has two columns. Some of those columns go on to the second page and one lines up with an approval motion on the item and the other one with a denial. These are only a suggested starting point for a motion. You are free to add other salient points that you think are key to your decision. After the public hearing is closed and there are questions and comments from the body, when you think you are at the point of making a motion, staff would ask the maker of the motion to include a statement in support of what the motion is.

Mr. Collins arrived at 2:08 p.m. and participated in the balance of the meeting.

In response to a question from Chair Wolf, Counsel Carr said what she heard the Chair say is that, for instance, Mr. Collins makes a motion to approve the zoning and iterates several factors to support his motion, that motion gets a second, and yet the Commission does not support that motion by a majority vote.

Chair Wolf said it is almost like they were going back to quasi-judicial because once they went legislative, we were just moving the ordinance, which means you have an up or down. Now you are in effect getting a motion in favor of or in denial of the request because you are required to make a statement to that effect. So you are saying when the person who makes the motion and asserts this

position, if that position gets turned down by the Commission, we are done even though we have not put in the record any of the factors supporting a denial?

Counsel Carr said the literal reading of the statute says that for any action a statement must be given. The suggestion was made by Mr. Ruska that quite possibly what you can do, and she thought it is a reasoned position, is make the motion, have the motion approved and then adopt your statement as to what factors support it. Quite possibly you could have two motions. The problem you could run into doing it that way is if you agree on the action, but do not agree unanimously on the rationale for the action.

A discussion was had on various ways to accomplish the making of a motion and stating factors that support it.

Mr. Hails said staff attempted to keep the statements as brief as possible. In the future they may be able to get them down a little bit more so hopefully it is not too awkward.

Chair Wolf said you have four or five items on the first request, for example, that come out of your staff report. In most of these cases, the only testimony as to those factors will ordinarily be your staff report and will not come from the mouth of the applicant or usually the opponents. There are some things you cover that do not come out in the public testimony, other than your summary of the staff report. Do you think to follow the statute would require us to read all those factors or could we pick and choose based on the importance that the moved thought was what persuaded them to grant the motion?

Mr. Hails said his view is that they present the Commission with a staff report that, presumably, you are looking at. Most of you are doing a site visit. You are hearing comments from the public and then you are mulling all those together and putting forth a motion in accordance with State Law. While the wording in that statement attached to your motion may not follow public hearing sentiment and so on, a lot of times they are related even if they are not the same type of wording. Also staff put at the end of each of those columns in the statement that you could add things to it that you think are important and reasonable in making a determination on the matter. For example, we do not have large sections or extremely explicit policies in the Comp Plan about the compatibility of a rezoning with the surrounding neighborhood. We do have some more general provisions about supporting strong neighborhoods and the existing character and so on. But if there is something you think is important that is missing from that list, you can add it to the list. Likewise, if there is something that you do not agree with or do not think is important, you can strike it from that list. It is a starting point that at least gives you something that we believe conforms to the State Law on it.

Chair Wolf said some of the factors are extremely broad and some of them, particularly the ones listed as policies, are the ones that narrow down and appear to be more specific to the particular request.

Counsel Carr said the factors were simply meant to be some guidance for Commission members. At times Commission members are uncomfortable making motions so if you will, let's call it a "staff cheat sheet" for you. She was most concerned as the legal advisor to the Commission of the preamble with each of the motions. The preamble almost tracks word for word the State Statute and that is finding that it either is or is not compatible with our adopted Comp Plan and that the rationale either does or does not support the public interest and public safety.

Counsel Carr said the Commission's rationale was not subject to judicial review. For instance, she is counsel for the Commission. Should one of your decisions be challenged in court, her job is to show

that you had a rational basis for supporting the Commission's decision and what better way for her to do than to point to the very statements that you make. So although it says it is not subject to judicial review, it is the very thing she is going to use to support any challenge to the Commission's decisions.

PUBLIC HEARINGS:

A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF WARD ROAD EAST OF SHARING TERRACE – FOR LIM ENTERPRISES, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Gai Cook Lim, 5403 Autumn Woods Drive, said he is president of Lim Enterprises, Inc. They would like to make a plat with a cul-de-sac for Residential RS-7 for about 18 to 20 lots on that five-acre tract.

Crystal Zealus, 3504 Wilson Wood Road, said she opposed the rezoning to RS-7 because this area had already been saturated with RS-7 property. They are encouraging diversity, not only socially, but also economically. The Comp Plan said their communities would be diverse. One property has been zoned RS-12 and they were hoping in the future that other property would also be zoned RS-12. She read the Comp Plan, Connections 2025, and although it is a plan, they hope that it will be followed as far as the corporate mixed-use that is projected for that area to bring in businesses and economic development to that area of town.

Odessa Patrick, 217 Ward Road, said she opposed the rezoning for some of the same reasons as Ms. Zealus. The increased construction on East Wendover Avenue has made traffic much worse. She too preferred rezoning to RS-12 that would contain larger houses and create diversity economically. Her property is still zoned AG, but it backs up to the A&T Farm, but she feels that her property will probably be annexed soon.

In rebuttal for the proponents, Mr. Lim said he did not see much difference in the traffic with 18 to 20 lots. Since it is a small tract of land, he felt it was favorable for RS-7 zoning.

In rebuttal for the opponents, Ms. Zealus said her concern would still be the traffic even though Mr. Lim has indicated it may be only 18 homes. With two cars per home, you are talking about 36 cars plus the visitors who would visit these residents. Again they were looking at promoting an area that would encourage more diversity economically.

Ms. Miller asked Ms. Zealus if she had had any dialogue with Mr. Lim regarding what is going to happen and what her concerns were prior to this meeting?

Ms. Zealus said she had not had any dialogue with Mr. Lim. She would like to because this is the first time that she has had the opportunity to find out who owned the property. She received no notice and just happened to pass the property and saw the notice posted on the property.

Chair Wolf closed the public hearing.

Mr. Hails said, as background, this area of the community has had very limited development occurring in it over the last 40 or 50 years. Therefore, the character of the development in that area has been established for a long time. He thought as this area develops further connected to water and sewer and so on, staff anticipates and the plan supports seeing development at typical suburban type densities like the low residential, three to five units per acre, and this is certainly what you see to the west of this site. Staff is processing a Comp Plan Amendment to the City Council along with this and that is not before the Commission today. The Comp Plan shows in this area Mixed-Use - Corporate Park to the east in a huge 5,000-plus acre area. Trying to stimulate that type of development in this general area, the feedback from economic developers is that portions of that area that are closest to the Interstate interchanges and so on are far more marketable in the short term for economic development. By supporting this rezoning, they do not feel they are abandoning the Mixed-Use - Corporate Park called for in the plan to the east. This rezoning will not preclude achieving mixed-use nearby. Residential is one of the land uses called for in our mixed-use concept. They feel in general it is a good thing to have diverse mixed income residential communities.

Chair Wolf said he would like to respond to Ms. Zealus' concerns. He knew the same thoughts had been brought up near other Habitat communities. Habitat's communities are spartan and smaller homes due to their goals. He said they had a rezoning in the southeast quadrant where neighbors did not want the Commission to continue that same size because it was near a Habitat development.

Mr. Hails said he thought it was fair for neighbors to have a concern about that. However, the Development Ordinance the City has sets minimum development standards. It determines when you have to put in landscaping; it determines if there is anything on the site layout that is required, it determines minimum lot size in different districts. On any of those lots, once the zoning is in place, you can get a high quality, very expensive development, or you can get a lower quality, less expensive development. So the zoning the Commission is being asked to look at today really does not regulate quality and investment of what is going to follow. He said staff supports the low residential GFLUM here. The request is compatible with that. Staff supports the rezoning.

Ms. Reeves with GDOT said under the Subdivision Ordinance, the developer will be required to widen, curb and gutter, half the old cross section, dedicate the appropriate right-of-way plus the internal street network will be curb and guttered and side walked.

In response to a question from Mr. Gilmer, Ms. Reeves said the Florida Street connection with Franklin Boulevard was just in the feasibility study, the conceptual study phase at this point in time. The Planning staff is overseeing that project.

Mr. Hails said the current thinking is that Florida Street Extension will not likely connect with Franklin Boulevard, but will swing further to the east. It will definitely connect with McConnell Road at some point. Feasibility studies are being done, they are meeting with the property owners, including A&T, and trying to find the best access.

Mr. Gilmer said he was familiar with the area. There was more diversity in housing stock. With Habitat down the street, it probably has some type image that is different than a private development. Based on some of those comments, he moved approval of the ordinance. The Zoning Commission

believes that its action to approve the zoning amendment, located on Ward Road from County AG to City RS-7, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest. Under Policy 6A.2, this promotes a mixed-income neighborhood. Also under Policy 6C, it promotes the diversity of new housing stock to meet the needs of all citizens for suitable, affordable housing. Mr. Collins seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) TOWNHOMES DESIGNED FOR SALE. 2) MAXIMUM NUMBER OF TOWNHOMES SHALL BE 130. 3) ACCESS LIMITED TO ONE CURB CUT OUT ON YANCEYVILLE STREET. 4) LIMITED TO TWO STORIES IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF YANCEYVILLE STREET BETWEEN LEES CHAPEL ROAD AND KENION STREET – FOR BIRCH PROPERTIES, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, handed up to the Commission some materials for consideration. He represented several parties - the property owners, several of whom were present, as well as the contract purchaser and prospective developer of the property. The principle of Birch Properties, Inc., Lee Porter, is also present. The request is to rezone the subject property to Residential Multifamily (townhomes for sale) with no more than eight units per acre with certain conditions. He explained the exhibits contained in his handout. A lot of the area is a mix of commercial, institutional and residential uses. He pointed out photos of representative samples of townhomes that would reflect the type single family attached homes that would be built. He thought it had received preliminary approval from TRC with some comments, changes the developer is making now. There is one access off Yanceyville Road to the townhome community. There are Type C, 20-foot minimum planting yard buffers around the boundary lines of the property. In the middle of the property there is a 100-foot stream buffer, which this site plan accommodates, as well as a water retention pond shown on the site plan. He felt that the area near Yanceyville Street in general is in need of new investment and that there would be benefit derived by a development such as this coming into the area. Letters were sent out by the developer to all property owners within 600 feet of this property. A neighborhood meeting was held on November 29, 2005 at the Craft Recreation Center. Approximately 10 neighbors or nearby property owners attended. The proposal was generally well received.

Chair Wolf asked if there was anyone wishing to speak in opposition to the request.

Paul Sims said he and his wife owned the vacant property to the right of the proposed rezoning. He was concerned about the increase in traffic that would be created if the CD-RM-18 property near his house was approved for 160 units.

Chair Wolf said City staff told the Commission in their report that the CD-RM-18 tract was limited to a maximum of 31 single family dwellings and 12 townhouse units. The RM-18 zoning is Conditional District (CD). There were serious limitations approved for this property.

Mr. Sims said there is RS-12, RM-12, RM-18 and RS-7. It seemed to him that the whole thing could be brought into some kind of zoning that would make it more uniform. However, he complimented Mr. Porter on the type units he will be putting on the subject property.

Chair Wolf closed the public hearing.

Mr. Hails said the trend in this area for recent rezoning for development has been to a higher density than what has traditionally been in the area. Multifamily next to single family would require a 20-foot minimum landscape buffer between the two. That is one reason staff thinks that they can oftentimes coexist side-by-side because there is some separation required by the existing ordinance. The fact that they are proposing a net density that is capped at eight dwelling units per acre, which puts it in the low end of the moderate residential category, is reflecting some of the lower density character of the area and some of the conditions help on that compatibility as well. There are several provisions in the Comp Plan that support this different housing types as mixed density. The Monitoring Committee of the Comp Plan looked at this and even thought the Comp Plan Amendment is not in front of the Commission, there are comments in the report from the Monitoring Committee. Staff thinks this rezoning is part of the trend in the area. For the several reasons he enumerated, staff supports the rezoning request.

Mr. Gilmer moved approval of the ordinance. Mr. Gilmer said the Greensboro Zoning Commission believes that this action to approve the zoning amendment located on Yanceyville Street from RS-12 to CD-RM-8 to be consistent with the adopted Connections 2025 Comprehensive Plan and consider the following actions to be reasonable and in the public interest. He referred to Policy 4C.1; this promotes new forms of compact development; and also Policy 6A.2; this promotes mixed-income neighborhoods. Mr. Gilmer moved favorable recommendation of this ordinance. Mr. Matheny seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

C. AN ORDINANCE REZONING FROM CORPORATE PARK TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO TOWNHOME DWELLINGS AND ACCESSORY USES. 2) THE TOTAL NUMBER OF DWELLING UNITS SHALL NOT EXCEED 129. 3) NO BUILDING SHALL EXCEED TWO (2) STORIES IN HEIGHT AS VIEWED FROM THE FRONT OF THE BUILDINGS. 4) ALL TOWNHOMES SHALL HAVE ATTACHED GARAGES. 5) ALL TOWNHOMES SHALL BE DESIGNED FOR SALE. 6) THERE SHALL BE NO TRASH COMPACTOR AND NO DUMPSTER LOCATED ON THE PROPERTY OTHER THAN FOR THE PURPOSE OF COLLECTION AND REMOVING CONSTRUCTION DEBRIS. 7) THE COMMUNITY WILL BE SERVICED BY A PRIVATE SOLID WASTE HAULER. 8) THE DEVELOPER WILL PROVIDE 5 FOOT SIDEWALKS ON BOTH SIDES OF ALL INTERNAL STREETS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF REGIONAL ROAD NORTH AND NORTH SIDE OF AIRPORT CENTER DRIVE BETWEEN BUSINESS PARK DRIVE AND BENTLEY ROAD – FOR AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Henry Isaacson, Esq., 101 West Friendly Avenue, handed up information for the Commission's review. He represented American Express Travel Related Services, which is the owner of the subject property, as well as Portrait Homes, the developer, which has a contract to purchase the subject

property. There is a new condition that they would like to propose. 9) Along the northern boundary line of the subject property developer shall establish and maintain a minimum 25-foot wide landscape buffer consisting of a staggered double row of Leyland cypress and/or evergreen trees, such trees to have a minimum height of six feet and planted a maximum of eight feet on center.

Mr. Gilmer moved acceptance of the new condition, seconded by Mr. Collins. The Commission voted unanimously 8-0 in favor of the motion.

Mr. Isaacson discussed the contents of the material handed up to the Commission, which included illustrative site plan, photographs, illustrative photos of type of townhomes to be built and Plan Amendment Request Form to modify the GFLUM from Industrial - Corporate Park to Mixed-Use - Corporate Park.

Mr. Isaacson said there are no townhomes within several miles of this site. American Express employs some 2,100 people. Federal Express, which will be here in a short three and a half years, will start off with 750 employees and will build to 1,500. Dell has an employment of approximately 950 workers and it is expected to grow.

Portrait Homes did meet with the members of the Airport Center Association requesting that they lift a restrictive covenant to allow the construction of these townhomes. He was pleased to report that those neighbors voted to lift that restriction and thus welcome Portrait Homes to the neighborhood.

Mr. Isaacson said there had been discussion about putting a disclaimer in about the townhomes proximity to Piedmont Triad Airport and they have done that with other developments that are close to the airport. He felt sure they could modify that disclaimer to include the fact they are near a corporate park.

Chair Wolf closed the public hearing.

Mr. Hails said this was a difficult call for staff. It was the classic case where they had been getting a number of questions lately about preserving land for future economic development versus supporting a Mixed-Use - Corporate Park opportunity that, at least in his view, that has arisen. There has been established Corporate Park development on two sides of this site for 15 years, American Express and more recently with the office buildings further down Airport Center Drive. Staff is seeing mixed-use housing crop up in a number of different environments around town. He had felt like the airport noise nearby was not a negative. Not knowing what might develop on the LI land to the north, so staff talked to them about establishing a mandatory buffer that would exceed what was required in the ordinance to provide a good visual obscuring buffer to the north. This property and a number of others in the vicinity have sat vacant for some time. The office market is not strong right now. Overall staff feels like it is an interesting proposal that could help broaden the walkability and offer some nearby housing opportunities in this Corporate Park area in years to come. Staff supports the rezoning request.

In response to comments from Chair Wolf, Mr. Hails said they were not proposing to wholesale change large portions of this area to residential use. But the idea that you could walk to some of these places, the businesses themselves, American Express, is selling this property and supporting the rezoning. They indicated that they sometimes bring in people for training for several months; they sometimes have people that very much want to live near where they work. You are also close to the airport and Fed Ex and many jobs there. He thought the challenge was going to be for us to not lose sight of the job sites, but to not be too narrow and have too much of a separation mentality between our residential and our jobs.

Mr. Gilmer said he would like the Zoning Commissioners to know that he sits in on the Monitoring Committee. They discussed the request very thoroughly. At first he was a little against it. However, as he thought back over the years when he was a little boy growing up, it was not uncommon for Cone Mills and some of the pipe companies to have their own housing back during those days. He thought they had gotten away from that a long time ago, but he looked at in those terms.

Mr. Gilmer moved for approval of the ordinance. The Greensboro Zoning Commission believes that this action to approve the zoning amendment located on Airport Center Drive from CP to CD-RM-12 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public's best interest. He referred to Policy 4G.1: Promote compact development. He referred to Policy 7C.3: Identify Brownfield sites and under-utilized, abandoned property and buildings and expedite opportunity. He also referred to Policy 6C: Promote the diversity of new housing stock to meet the needs of all citizens for suitable, affordable housing. Ms. Miller seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

D. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF MILLIKIN STREET BETWEEN CHURCH STREET AND COLTRAIN ROAD – FOR SARAH M. CROUSE. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Sarah Crouse, 2714 Holly Drive, owned the subject property. She would like to build two additional houses on the lots in addition to the one shown. These houses will be compatible to others in the neighborhood and to the four recently built houses to the left of the property. She did not have a proposed site plan because she wanted to wait and be sure they would be rezoned.

Chair Wolf closed the public hearing.

Mr. Hails said the Comp Plan notes that the GFLUM shows low residential for this area. That is applicable to both the existing and the proposed zoning. There are policies supporting diversified and compact housing goals that would support this. But perhaps the most telling is the fact that the rezoning is compatible with the existing neighborhood. A lot of the surrounding lots are not compatible with meeting the current RS-12 zoning requirements. This type of rezoning would help to make those and other lots in the area more conforming. In addition, the nearby houses to the east with RS-9 zoning are felt to fit in with the surrounding areas. Staff recommends approval of the request.

Mr. Matheny said having driven by there and he believed these houses would compliment the area. Mr. Matheny moved approval of the ordinance and he stated that the Greensboro Zoning Commission believes that its action to approve the rezoning request located on Millikin Street from RS-12 to RS-9 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest. He cited: The amendment is generally consistent with the Low Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map and Policy 6A.2: To promote mixed-income neighborhoods. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

Chair Wolf called for a 10-minute break. (3:55 - 4:05 p.m.)

Chair Wolf presented to the Commissioners two of the new Statutes that govern what we have been talking about today. You also need to note now that the Zoning Commission is entitled to request conditions now of an applicant when it is a Conditional District request. He gave some examples.

Mr. Hails said, however, if the applicant did not agree to add them, they will not be added, but you can use that lack of adding as grounds for your motion. The only catch-22 is if somebody wants a motion that is less restrictive (they would be getting into that with Council tomorrow night), staff would have to re-advertise the public hearing and carry it over.

E. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – INFILL WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN RM-26 PLUS INDOOR AMUSEMENTS AND RECREATION; COMMERCIAL BALLROOM AND CONFERENCE AND SPECIAL EVENT FACILITIES; HAIR SALON AND SIMILAR PERSONAL SERVICE USES; CONVENIENCE MARKET AND SIMILAR RETAIL USES NOT TO EXCEED 6,500 SQUARE FEET; RESTAURANTS NOT TO EXCEED 5,300 SQUARE FEET; AND OFFICE USES NOT TO EXCEED 1,800 SQUARE FEET. 2) PROPERTY TO BE DEVELOPED SUBSTANTIALLY IN ACCORDANCE WITH THE PDI REZONING SKETCH PLAN SUBMITTED WITH THIS APPLICATION WITH NO MORE THAN 178 RESIDENTIAL CONDOMINIUM UNITS. - TO CONDITIONAL DISTRICT – PLANNED UNIT DEVELOPMENT – INFILL WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN RM-26 PLUS INDOOR AMUSEMENTS AND RECREATION; COMMERCIAL BALLROOM AND CONFERENCE AND SPECIAL EVENT FACILITIES; BAR; CLUB OR LODGE; HAIR SALON AND SIMILAR PERSONAL SERVICE USES; CONVENIENCE MARKET AND SIMILAR RETAIL USES NOT TO EXCEED 6,500 SQUARE FEET; RESTAURANTS NOT TO EXCEED 5,300 SQUARE FEET; AND OFFICE USES NOT TO EXCEED 1,800 SQUARE FEET. 2) PROPERTY TO BE DEVELOPED SUBSTANTIALLY IN ACCORDANCE WITH THE PDI REZONING SKETCH PLAN SUBMITTED WITH THE REZONING APPLICATION DATED SEPTEMBER 30, 2004 WITH NO MORE THAN 178 RESIDENTIAL CONDOMINIUM UNITS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF WEST MEADOWVIEW ROAD AND SOUTH SIDE OF VILLAGE GREEN DRIVE BETWEEN RANDLEMAN ROAD AND SOABAR STREET – FOR HERITAGE HOUSE 310, LLC. (APPROVED)

Mr. Ruska said this request to rezone from CD-PDI to CD-PDI essentially boils down to adding a few uses to the uses that are currently allowed on the property. What is being added to the list of permitted uses would be a bar and a club or lounge. All the rest of the conditions and wording would be similar to what currently exists.

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, handed out information to the Commission. He gave some history on the subject property. He explained the purpose of the new conditions. The site plan is essentially incorporated into this zoning matter and so it is a part of it. That was why he presented it to the Commissioners so that they could have it in front of them.

Chair Wolf closed the public hearing.

Mr. Hails said the existing GFLUM designation on this site is Industrial - Corporate Park. Making a very modest expansion of the uses permitted on the site staff feels is in keeping with that goal. In addition, it is designated on the Comp Plan as a reinvestment area and this supports reinvestment. We are always mindful, after some of the incidents we have been involved lately about what makes for a reasonable location for new bars, clubs or lodges. In general, although our ordinance says they should be away from residential areas, this is, in that respect, a good location with very limited impacts on adjacent residential. Staff has no problem with the modification of the uses on this site. It is a modest change from what is already in the current zoning and staff recommends approval of the request.

Mr. Schneider moved approval of the ordinance and said the Greensboro Zoning Commission believes this motion to approve the zoning amendment on West Meadowview Road from CD-PUI to CD-PUI to be consistent with the adopted Connections 2025 Comprehensive Plan and considers this action taken to be reasonable and in the public interest. The amendment is generally consistent with the Industrial/Corporate Park land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map and it is not a very large change from the conditions that we have now. Mr. Matheny seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

F. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL RESIDENTIAL USES PERMITTED IN THE RM-26 ZONING DISTRICT. 2) NO STRUCTURE SHALL EXCEED 3 ABOVE GROUND STORIES IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF OVERLAND HEIGHTS BETWEEN MERRITT DRIVE AND PEALE TERRACE – FOR F & R SNYDER, INC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Tommy Snyder, 1304 North Holden Road, gave some history of the property. The four houses on the property are 50 years old and are beginning to need major repairs. They feel the rezoning to RM-26 would be good due to the availability of public transportation on Overland Heights and they feel the higher density would help bring up the property value of the vacant land around these four houses.

Chair Wolf closed the public hearing.

Mr. Hails said this area is designated on the GFLUM of the Comp Plan as high residential and a majority of the surrounding land uses fit that category. In addition, the Comp Plan calls for mixed-income neighborhoods, diverse housing stock and reinvestment in key areas around the community, of which this is one. The context of the site: there are thoroughfares nearby, the area is accessed from both Merritt Drive and High Point Road. Staff might have preferred some design conditions on the layout of the site, but overall it is felt to be compatible. Staff recommends approval of the request.

Mr. Gilmer moved approval of the ordinance. The Greensboro Zoning Commission believes that the action to approve the zoning amendment located at Overland Heights from RM-18 to CD-RM-26 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest. The amendment is generally consistent with the High Residential land use category indicated for this site on the Connections 2025 Generalized

Future Land Use Map and it promotes mixed-income neighborhood under Policy 6A.2. Mr. Matheny seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

G. AN ORDINANCE REZONING FROM GENERAL BUSINESS TO RM-18 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF FORE PLACE EAST OF PINECROFT ROAD – FOR JOE KUPIEC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Joe Kupiec, 324 East Greenway Drive North, said the reason he would like to have the subject property rezoned is to incorporate that into that other piece, the RM-18 that is next door to it and develop more townhomes to match the townhomes that are there now. There is not a lot of new construction in the area now. His new construction might help regenerate the businesses next door even more so. He knew this was low residential, according to the GFLUM. The property is zoned GB now, but it would be very difficult to use for commercial because there is really no road frontage. It fronts on a dead end street so it would be difficult to use for a general business.

Chair Wolf closed the public hearing.

Mr. Hails noted for the record that there was a Plan Amendment associated with this from low to high residential density, but as noted this area has scattered zoning patterns. There is some RM-18 immediately adjacent. Staff does not feel like losing this small, less than an acre of commercial, is going to negatively impact the commercial areas to the south and west. Staff feels the request supports numerous Comp Plan goals on diverse housing stock, compatible surrounding reinvestment in this area and staff supports the request.

Mr. Schneider moved approval of the ordinance and said the Greensboro Zoning Commission believes that its action to approve the zoning amendment located on Fore Place from General Business to RM-18 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest. He cited the Reinvestment/Infill and also the Policy 4C.1: Establish standards for and promote new forms of compact development and 6A.2: Promote mixed income neighborhoods. Mr. Gilmer seconded the motion. The Commission voted unanimously 8-0 in favor of the motion.

H. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: ALL RESIDENTIAL USES PERMITTED IN THE RM-26 ZONING DISTRICT. 2) NO STRUCTURE SHALL EXCEED 3 ABOVE GROUND STORIES IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF COAPMAN STREET BETWEEN SPRING GARDEN STREET AND BREVARD STREET – FOR JOE KUPIEC. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Joe Kupiec, 324 East Greenway Drive North, said he would like to rezone this property because he thinks it will do a lot of good for that area. One thing that comes to mind is it is right off Spring Garden Street, which is basically right across the street from the Cotton Mill Square Mall, which is vacant now. He feels if this area starts to develop a little more, new housing would assist this development. There is an apartment house where the RM-18 is. He feels more housing in the area might encourage an investor to buy Cotton Mill Square Mall and redevelop it. This is a high-density area. They will have conditions based on helping to incorporate this development with the house that will be left there. They will build a fence or do anything the City asks of them to make this work. There will be a parking lot and landscaping between the existing home and the new building.

Mr. Ruska said his understanding was that the applicant wanted to amend his conditions as was noted in the staff report, at least that was the indication staff received at the end of last week.

Mr. Kupiec amended Condition No. 2 and added Conditions No. 3, 4 and 5 as follows:

2) Limited to one principal structure not to exceed three above ground stories in height; 3) Maximum building setback at 25 feet from the southern property line and Coapman Street; 4) Type C planting yard shall be provided along the southern property line; 5) Solid wood fencing at a minimum height of six feet shall be provided along the northern property line adjacent to Greensboro Tax Lot 236-2-1.

Mr. Schneider moved the acceptance of the amended conditions, seconded by Gilmer. The Commission voted unanimously 8-0 in favor of the motion.

Steve Brown, 310 Broad Acres, said the main reason he is present is to enter a protest as far as increasing the density and the zoning. It would be out of character to bring in this small section at a higher density than any of the surrounding areas. Traffic is already a problem on Kirkman Street.

Heidi Barton, 3504 Brevard Street, said she agreed with Mr. Brown and does not believe the density should be increased to RM-26. She complained about increased traffic on Brevard and Kirkman. Lots of people park on the streets in that area. She felt that a three-story apartment complex next to a single family house would place an undue burden on the single family house. She asked to see the illustrative plan that Mr. Kupiec had drawn.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of the Comp Plan called for mixed-use - residential in this area. It would appear that the current land uses fully meet that requirement. There is a generous mixing of industrial/business and different types of residential and institutional in the area already. There are other policies in the plan about encouraging diverse housing, mixed-income neighborhoods and reinvesting in our areas. For staff, the critical issue has been the context in the compatibility in the immediately surrounding properties, particularly the single family property to the north. Staff felt like the added conditions definitely allow a better chance for them to fit in, both with the six foot fence proposed along the northern property line and the landscape proposal on the southern property line. He noted that if new residential were constructed, they would be required to have off street parking to serve that development. Because the area is already fairly high density, staff felt that the RM-26 versus 18 was not significant. Staff supports approval of the request.

Mr. Gilmer moved approval of the ordinance. The Greensboro Zoning Commission believes that its action to approve the zoning amendment, located at Coapman Street from RM-18 to CD-RM-26 to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the following actions to be reasonable and in the public interest. The amendment is generally consistent with the

Mixed Use Residential land use category indicated for this site on the Connections 2025 Generalized Future Land Use Map. The Reinvestment/Infill Goal: Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods. Policy 6A.2: Promote mixed-income neighborhoods. Policy 6C: Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing. Mr. Matheny seconded the motion.

Chair Wolf said he was not really sold on this one because of how it is wedged in by a bunch of homes. He would have been more comfortable if this had been a cleared site with everything cleared off.

Mr. Collins said in the RM-26 zoning, would the developer be able to get 21 units on there?

Mr. Ruska said staff had not seen any site design and when you factor in the required off street parking plus the conditions that the applicant added this afternoon, he did not know how to answer Mr. Collins' question.

Chair Wolf called the question. The Commission voted 3-5 in favor of the motion, thereby denying the motion. (Ayes: Gilmer, Collins, Matheny. Nays: Wolf, Miller, Schneider, Spangler, Wright.)

Mr. Schneider moved to deny the ordinance. The Greensboro Zoning Commission believes that its action to deny the zoning amendment, located on Coapman Street from RM-18 to CD-RM-26, to be consistent with the adopted Connections 2025 Comprehensive Plan and considers the action taken to be reasonable and in the public interest. The proposed density is not compatible with the surroundings. The proposed multifamily use is not compatible with the lower density multifamily use in the area.

Mr. Wright seconded the motion. The Commission voted 5-3 in favor of the motion. (Ayes: Wolf, Miller, Schneider, Spangler, Wright. Nays: Gilmer, Collins, Matheny.)

ITEMS FROM THE PLANNING DEPARTMENT:

None.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Ms. Spangler said she would be absent next month.

* * * * *

There being no further business before the Commission, the meeting was adjourned at 5:15 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/jd/ps